PRESERVED

App. F. IX-4

Previous References

1939.
( )
Courts

File No. 188-39
Serial Nos. 1-2

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

PRESERVED

Part B for March 1940

SUBJECT.

Procedure to be adopted for the Service of Summons received from the Courts outside Mysore State on the employees of Education Dept.

No. P. 6439 & 28-3-40 The Director of Public Instruction in Mysore.

State that Summons from British Indian Courts may be received through the Mysore Courts.

WD 0573—GPB—22,500—12-8-39

B.B. Shankar
1-4-40.

Serial No.

From
The Director Of Public Instruction in Mysore
A_5 3925-284 of 39-40 Dt 23-3-1940

Requests to be informed as to the procedure to adopted for the service of Summons received in the Courts outside Mysore State on the Employees of the Education Department.

The Director Of Public Instruction has asked for the information re. the Correct procedure to be adopted in the matter Of Service Of Summons received from Courts outside the State on the Employees Of the Education Department. A doubt has been felt as to whether such processes have to be served on the persons mentioned therein by his Office or have to be returned to the Court Of issue for being served through the High Court. Of Mysore.

It is not clear from the letter Of the D.P.I whether the said Summonses relate to the Civil Courts in British India or in any Indian States.

It is submitted that in pursuance Of the Chief Commissioner's Notn Dt 29-7-1878 all processes Of whatsoever description issued

Reg. P.

NOTE—Contn. Sheet.

2

Serial No.

by any Civil Courts in British India have to be acted upon and executed by all Courts in Mysore as if such processes had been issued by a Court having jurisdiction in Mysore.

In Conformity with the provisions of the above mentioned Notn of 23-7-1878, the High Court of Madras and the Govt of Bombay have issued orders to all the Civil Courts in their jurisdictions to the effect that processes issued by them (Civil Courts) for Service in the Mysore State Should be forwarded direct to the Court exercising local jurisdiction at the place where the process is to be served or executed. The High Court (the then Chief Court) of Mysore have in their order No C.L. 87 of 27.8.1888 also directed the Civil Courts in the State that Such processes received from the Civil Courts in British India Should be served on the concerned

Paras 420 & 425 on pages 122 and 124 of Civil Rules of Practice Vol I

Second Sentence in para 420 of Civil Rules of Practice Vol I (page 122)

5854 3

Serial No.

Officer through the Head of the Dept Concerned.

When such processes are received in this Office from the Residency, it is usual to forward them to the High Court of Mysore for necessary action viz for arranging service on the party.

In View of the rule of practice indicated above, the D.P.I may, if approved, be apprised of the said practice.

A draft of a letter is also put up for approval or other orders.

may be approved
Dar Secy 25/3

6610/37-2

H.M. 26/3

TYPING BUREAU 1940

To

The Director of Public Instruction. Bangalore

No P 6439 d 28.3.40

Suggests the procedure to be adopted for the service of summons received from the civil courts in British India on the employees of the Education Dept

NOTE—Contn. Sheet.

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Edn. New 92]

Postal Address:—POST BOX No. 8.
Tel. Address:—EDUCATION, Bangalore.

C5 188-39-1

Department of Public Instruction.

Government of Mysore.

No. A5- 3925-284 of 39-40.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION IN MYSORE,

ENCL.

Bangalore, dated 28th February 1940.

4 MAR. 1940

FROM

E. G. McALPINE, ESQ., M.A., DIP. EDN., V.D., J.P.,
DIRECTOR OF PUBLIC INSTRUCTION IN MYSORE,
BANGALORE.

GENERAL SECTION (2) 5 MAR. 1940

To

H.V.Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Department, Bangalore.

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573

SIR,

I have the honour to request you to be so good as to intimate to this office, at an early date, as to what procedure has to be adopted for the service of summons received from the Courts outside the Mysore State on the employees of this Department. It is not clear whether the summons received direct from such Courts may be arranged to be served on the employees of this Department by this office, or they will have to be returned for being served through the High Court of Mysore.

Since the summons on persons are sometimes in their private capacities and sometimes in their official capacities, the correct procedure to be followed in each case may be kindly made clear.

I have the honour to be,

Sir,

Your most obedient servant,

E G McAlpine
Director. 11/3/40

cs. 28/2.

28/2

2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P6439 CS-188-39-2 *Dated, Bangalore, 28th March 1940.*

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To The Director of Public Instruction in Mysore,
Bangalore.

Sir,

With reference to your letter No.A5 3925-284 of 1939-40 dated 4th March 1940 soliciting instructions of Government in the matter of the procedure to be adopted for the service of summons received from the Courts outside the State on the employees of the Education department, I am directed to state that in pursuance of the existing rule of practice in this behalf, all processes of whatsoever description issued by any Civil Court in British India have to be acted upon and executed by all Courts in Mysore as if such processes had been issued by a Court having jurisdiction in Mysore.

In conformity with the above rule of practice, a process issued by a Civil Court in British India for service in Mysore should be forwarded by that Court direct to the Court in Mysore exercising local jurisdiction at the place where it is to be served and on receipt of such processes, the Civil Courts in Mysore have to arrange for the service of the said processes received from the Civil Courts in British India through the Heads of Departments concerned.

I am to state that if summonses have been received in your office directly from the Civil Courts in British India, the processes may be returned direct to the Court that has issued ~~it~~ them with the intimation that the said processes may be issued to the Court in Mysore exercising local jurisdiction at the place where they are to be served.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Law Department.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No. P6439 & 28.3.40.
CS 188-39-2 3

To

The Director of Public Instruction in Mysore

Sir.

With reference to Your letter No A_5 3925-284 of 1939-40 of 4.3.1940 Soliciting instructions of Govt in the matter of the procedure to be adopted for the service of Summons received from the Courts outside the State on the employees of the Education department, I am directed to State that in pursuance of the existing rule of practice in this behalf, all processes of whatsoever description issued by any Civil Court in British India have to be

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acted upon and executed by all ~~the~~ Courts in Mysore as if such processes had been issued by a Court having jurisdiction in Mysore.

In Conformity with the above rule of practice, the processes issued by the Civil Courts in British India for Service in Mysore should be forwarded by their Courts direct to the Court in Mysore exercising local jurisdiction at the place where it is to be served and on receipt of such processes, the Civil Courts in Mysore have to arrange for the service of the said processes & returned from the Civil Courts in British India through the Heads of Departments Concerned.

I am ~~directed~~ to state

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

that if Summonses have been received in your Office directly from the Civil Courts in British India, the processes may be returned direct to the Court that has issued them with the intimation that the said processes may be issued to the Court in Mysore exercising local jurisdiction at the place where they are to be served.

I have etc

H.W. 2/26/13

Secretary to Govt
Law Dept

Cypher 24/3

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